

EMISSION MONITORING CIVIL PENALTY WORKSHEET AND RECOMMENDATION (4/16/92)

Source: Ash Grove Cement Case No: _____ NOV No: 28893

The following procedure shall be employed in making a recommendation for assessment of civil penalties for violations of Agency regulations or permits determined through continuous emission monitoring or source testing. Guidance for answering the questions in Table I are found on the back of this sheet. Civil penalties involving demonstrable economic benefit to the violator shall include both a gravity and a benefit component and shall be determined by adding the dollar amount from Table II below and the economic benefit calculated using the EPA BEN computer model. Civil penalties for other violations shall consist of a gravity component only and shall be determined from Table II.

Table I
Gravity Criteria

	No (0)	Possibly (1)	Probably (2)	Definitely (3)
1. Did the violation result in a public health risk or property damage?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Was it a willful or knowing violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Was the violator unresponsive in correcting the violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Was the violation a result of improper operation or inadequate maintenance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Did the violator have a history of similar violations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Did the violator benefit economically from noncompliance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Gravity Criteria Rating				<u>5</u>

Table II
Gravity Component Penalty

Rating:	1-4	5-7	8-9	10	11	12	13	14	15	16+
Penalty:	\$1,000	\$2,000	\$3,000	\$4,000	\$5,000	\$6,000	\$7,000	\$8,000	\$9,000	\$10,000

Benefit Component Penalty

If the answer to question #6 in Table I is "Definitely", the estimated dollar amount of economic benefit determined by the EPA BEN computer model is: \$ _____ (attach calculations).

Comments: #2000/instrument/day Certification AOD
opacity (sodium bicarbonate) No AOD
Emission std
Fugitive
\$4000/day for non-certified to labor day
after May 1
Instruments CO, NOx, SO2, Opacity = 4 x \$2000 = \$8000/day
Starting on April 30, 1993

Evaluator: Paul Austin Date: June 21 93 Civil Penalty Recommendation: \$ 8000/day
 Checked By: JMW/llw Date: June 21, 93

Monitoring Civil Penalty Gravity Criteria

1. Did the violation result in a public health risk or property damage?

Answer "no" if the violation was not the result of an emission. Use the following table if an emission standard was violated:

<u>Percent Above Emission Standard</u>	<u>Rating</u>
1-24%	0
25-99%	1
100-199%	2
> 200%	3

2. Was it a willful or knowing violation?

Answer "no" if the violator obviously did not know that the action or inaction constituted a violation. Answer "possibly" if it is likely the violator knew. Answer "probably" if the violator should have known. Answer "definitely" if the violator clearly knew.

3. Was the violator unresponsive in correcting the violation?

Answer "no" if the violation was corrected as soon as the violator learned of it. Answer "possibly" if the violation was corrected in a less timely and cooperative fashion. Answer "probably" if the violator attempted to correct the problem, but did not use the proper technique to correct it. Answer "definitely" if the violator did not attempt to correct the problem.

4. Was the violation a result of improper operation or inadequate maintenance?

Answer "no" if the violator was following an acceptable O & M plan. Answer "possibly" if the violator was following an O & M plan that was not adequate. Answer "probably" if the violator did not have an O & M plan. Answer "definitely" if the violation was clearly a result of improper O & M.

5. Did the violator have a history of similar violations?

Answer "no" if the violation did not occur previously. Answer "possibly" if the violation may have occurred before, but has not been previously cited. Answer "probably" if the violation occurred previously, but had not been previously cited. Answer "definitely" if the violation had been previously cited.

6. Did the violator benefit economically from noncompliance?

Answer "no" if the violator clearly did not obtain any economic benefit. Answer "possibly" if the violator may have benefited. Answer "probably" if it is likely the violator benefited, but the benefit is not quantifiable. Answer "definitely" if the economic benefit to the violator is quantifiable.